



01-22-07

THE TECHNOLOGY LAW OFFICES OF VIRGINIA

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James W. Hiney
Admitted to practice in
the District of Columbia and
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Corporate, Patent & Trademark,
Computer & Software, Licensing &
Joint Venture Law; Venture Capital
Employment Law

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Appeal Brief on Serial No. 10/738417

January 19, 2007

Dear Sir,

Filed herewith is the brief on the above mentioned case including a two page appendix with the claims on appeal. Also submitted herewith is a check for \$250.00 for the brief fee and a Request for an Extension of Time in which to file the brief accompanied by a check for \$510.00. The appeal Notice and fee was filed in September, 2006,

Should there be any other questions please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.W. Hiney".

James W. Hiney, Esq.
Reg. No. 24,705
Attorney of record
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Express Mail No. EQ 536876946 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:Ham, Jerry)	
)	
Serial No.: 10/738417)	Ex. S. Johnson
)	
Title: Inert Tactical Weapon and)	Art Unit: 3641
Method of Use)	
)	
Action Date: May 4, 2006)	

Honorable Commissioner of Patents and Trademarks
2011 So. Clark St. Crystal Plaza 2, Room 1 BO 3
Mail Room, Arlington, VA 22202

**REQUEST FOR THREE ADDITIONAL MONTHS IN WHICH TO
RESPOND TO FINAL REJECTION OF MAY 4, 2006
UNDER 37 CFR 1.117(a) (3)**

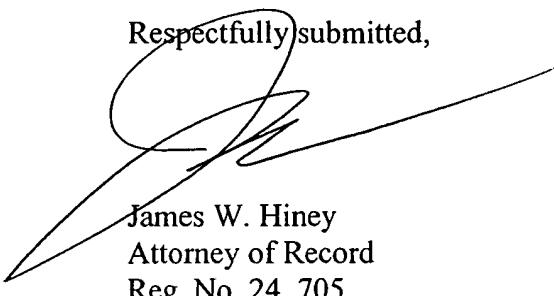
Now comes applicant and, through the undersigned, requests three additional months to respond to the Final Office Action of May 4, 2006. Accompanying this request is a Notice of Appeal from the Examiner's rejection of claims 10 through 19 and a check for \$250.00 for the appeal fee.

Accompanying this request is a second check for \$510.00 which is the small

entity fee for a three month extension of time under 1.17(a)(1).

Should there be any further action required, it is requested that the undersigned be called at the given number.

Respectfully submitted,



James W. Hiney
Attorney of Record
Reg. No. 24, 705
1872 Pratt Drive, Suite 1100
Blacksburg, VA 24060
(540) 552-4400

Attached: Notice of Appeal, 2 checks.



PTO/SB/31 (12-97)

Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays
a valid OMB control number.NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

In re Application of

Jerry Ham

Application Number

10/1738,417

Filed 12/17/2003

For

Inert Tactical Weapons System & Method of Use

Group Art Unit

3641

Examiner

Johnson, Stephen

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 5/04/2006, rejecting the following claims: 10 - 19

The fee for this Notice of Appeal is (37 CFR 1.17(b))

500.00
~~\$100.00~~ Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:250.00
~~\$50.00~~

A statement of small entity status under 37 CFR 1.27:

 is enclosed. has already been filed in this application. A check in the amount of the fee is enclosed. The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____ I have enclosed a duplicate copy of this sheet. A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

 applicant. assignee of record of the entire interest. attorney or agent of record. attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

Signature

JAMES W. HINEY

Typed or printed name

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.